

REMARKS

Reconsideration of the instant application is respectfully requested. The present amendment is responsive to the Final Office Action of September 4, 2003, in which claims 1-13, 15-19 and 21-32 are presently pending. The restriction requirement as to the claims of Group I and Group II have been made final.

As an initial matter, new corrected drawings are submitted herewith in response to the acceptance of the proposed drawing corrections filed on July 21, 2003.

With regard to the claims still pending, claims 1-6, 8 and 9 remain rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent 5,980,638 to Janos, in view of U.S. Patent 6,182,603 to Shang, et al. (Shang). Claim 7 also remains rejected under 35 U.S.C. §103(a), as being unpatentable over Janos, in view of Shang, and in further view of U.S. Patent 5,595,606 to Fujikawa, et al. (Fujikawa). Furthermore, claim 10 remains rejected under 35 U.S.C. §103(a), as being unpatentable over Janos, in view of Shang, and in further view of U.S. Patent 5,968,275 to Lee, et al. (Lee).

In addition, claims 11-13 and 15-18 are rejected under 35 U.S.C. §103(a), as being unpatentable over Janos, in view of Shang, and in further view of Fujikawa. Finally, claim 19 is rejected under 35 U.S.C. §103(a), as being unpatentable over Janos, in view of Shang, in further view of Fujikawa, and in further view of Lee. For the following reasons, however, it is respectfully submitted that the application is now in condition for allowance.

Claims 1 and 2 have been amended to include language reflecting that the baffle plate assembly is grounded so as to provide the isolation means for the capacitive sheath potentials. As stated in the amendment of July 17, 2003, Janos does not teach that the inlet baffle plates 6a', 6b' may be configured for shielding capacitive sheath potentials because there is no teaching or suggestion that the baffle plate(s) are grounded or may

otherwise be used as a capacitive electrode for an external RF source. Therefore, because all of the elements of claim 1 are not taught in Janos, Shang or any of the other art of record, the obviousness rejections as to claims 1-10 have been overcome.

Moreover, it was pointed out by the Applicants in the previous amendment that there is no objective motivation to combine the teachings of the Janos and Shang references to arrive at the invention of claim 1. In response to this position, the Examiner has indicated on page 9 of the Final Office Action that “the claims do not require the baffle plates being connected to the exterior RF source.” However, this misses the point raised by the Applicants. It was not asserted that these particular features were missing from the language of claims at issue. Rather, the fact that the interior baffle plates and process chamber of Janos could not be modified to connect directly to the exterior RF source of Shang without undue experimentation goes to the issue of a lack of motivation to combine references. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Accordingly, for these additional reasons, each of the obviousness rejections to claims 1-10 have been rejected and it is respectfully requested that the same be withdrawn. Since claims 11-20 have been cancelled, it is further respectfully submitted that the application is in condition for allowance.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By _____



Sean F. Sullivan

Registration No.: 38,328

Date: October 10, 2003
Telephone: (860) 286-2929
Facsimile: (860) 286-0115
Customer No.: 23413